

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NICHOLAS DUTTLE *et al.*

Plaintiffs,

vs.

Case No. 10-cv-839 MCA/GBW

CURTIS CHILDRESS *et al.*

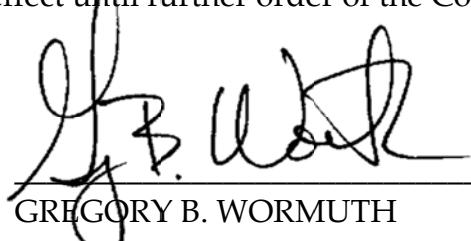
Defendants.

ORDER

The Court met with the parties on August 19, 2013, to discuss the progress of this case in light of the resolution of related state criminal matters. Defendants have indicated their intention to file for dismissal under the doctrine set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994). Defendants' briefing on this matter is due by **October 21, 2013**, with responsive briefing to follow the normal time set forth in the Local Rules.

Because such motions may moot Defendants' pending motions for summary judgment (docs. 122, 124), Defendants have decided to withdraw those motions at this time. On this basis, they are hereby DENIED. Plaintiffs agree that the denial is without prejudice to their refiling if necessary after resolution of the *Heck* motions. The stay of discovery in this matter will remain in effect until further order of the Court.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE